

Blight Fighting Techniques Currently Available

Technique	Description	Statutory Authority	Eligible Entities	Previous Notice Required	Charge to Owner	Civil Penalties	Liens Authorized
Nuisance Abatement Generally							
Public nuisance abatement	Locality may bring an action to compel a responsible party [owner, occupant, etc.] to abate a nuisance or, if an imminent and immediate threat to life and property, abate the nuisance and recover costs. Nuisances may include substances or structural conditions.	§ 15.2-900	Localities [Any county, city or town]		✓		
Removal of trash; weed and grass cutting	Locality may adopt an ordinance requiring property owners to remove trash, etc. that endanger the safety of residents and require the cutting of grass, weeds, etc. on vacant properties. The locality may perform the work and bill the owner if no action results after reasonable notice. Special provisions apply to localities in PDC 8.	§ 15.2-901	Localities	✓	✓	✓	✓
Removal/repair of buildings/structures	Locality may adopt an ordinance to require owners remove, repair, or secure any building, wall or structure that might endanger public health or safety. The locality may perform the work and bill the owner if no action results after reasonable notice. A locality may waive the liens to facilitate the transfer of property.	§ 15.2-906	Localities	✓	✓	✓	✓
Abatement or removal of nuisances	A city or town may compel the abatement of a wide variety of conditions, including weed and snow removal, the filling of land, the repair or removal of unsafe buildings, walls, or structures etc. Should the owner file to respond appropriately after proper notice, the municipality may perform the work and collect the cost from the owners, occupants, etc. in the same manner used by the locality or the state to recover overdue taxes.	§ 15.2-1115	Municipal Corporations	✓	✓		✓

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Special Types of Blighting Conditions							
Drug Blight	A locality may adopt an ordinance requiring the removal, repair or securing of buildings or other structures where (i) "drug blight," exists on the property, (ii) the locality has used diligence to abate the drug blight, and (iii) the drug blight constitutes a present threat to the public's health, safety or welfare. The locality must provide the property owner notice and an opportunity for an administrative hearing. The locality may charge the owner for its costs in taking corrective action and place a lien against the property to recover those costs.	§ 15.2-907	Localities	✓	✓		✓
Bawdy places	A locality may adopt an ordinance requiring a property owner to correct a bawdy place, defined as any place or building used for lewdness or prostitution. The locality must prepare an affidavit citing the existence of the bawdy house and provide the owner of the property with written notice to abate and a copy of the affidavit. If the owner fails to abate the bawdy house, the locality can do so and charge the cost of abatement to the owner. The locality may place a lien, equivalent to a tax lien, against the property to recover its costs.	§ 15.2-908.1	Localities	✓	✓		✓
Bawdy places	Virginia's nuisance statutes provide for actions to enjoin and abate property and fixtures used for the purpose of lewdness, assignation or prostitution. The Commonwealth Attorney, Attorney General, or any responsible citizen may bring an action against the person conducting or maintaining the nuisance and the owner or agent for the property.	§ 48-7 § 48-8	Local or state law enforcement officials and private citizens				

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Drug Activities	The owner, operator, lessor, tenant, or manager of a structure, vehicle, aircraft or vessel that knowingly allows its use by persons under the influence of drugs, or for the possession, manufacture, or distribution of drugs is guilty of a class 1 misdemeanor for maintaining a "common nuisance." A second or subsequent offense is a class 6 felony. A court may close the premises after holding a hearing. An owner may seek the immediate termination of a rental agreement for a tenant violator.	§ 18.2-258 § 18.2-258.01	Local or state law enforcement officials and private citizens				
Alcohol Violations	Any house . . . building, club or fraternity or lodge rooms . . . and places of every description where alcoholic beverages are manufactured, stored, sold dispensed, given away or used contrary to law . . . shall be deemed a common nuisances, which is a class 1 misdemeanor.	§ 4.1-317	Local or state law enforcement officials and private citizens				
Special Grand Juries	This procedure permits five or more citizens to petition the local circuit court to impanel a special grand jury to investigate whether an activity constitutes a nuisance. If the grand jury finds that it is, the person creating or permitting the nuisance to continue may be subject to a fine of up to \$10,000 and can be ordered to remove the nuisance and pay the removal costs.	§§ 48.1-48.6	Citizen initiated				

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Tax Delinquent Properties							
Tax delinquent properties	A locality may file a petition to have property with an assessed value of ≤\$50,000 sold for delinquent real estate taxes. The statute considers a property assessed at ≤\$50,000 as abandoned if: (i) the taxes are two or more years delinquent <i>and</i> (a) the land or structure has been declared a nuisance (b) the owner has failed to abate the nuisance after receiving proper notice and (c) the locality has abated the nuisance, placed a lien on the property for its costs and the lien is unpaid; <i>or</i> (ii) the taxes are delinquent for five years or longer. The locality may sell other properties, regardless of their value, at a delinquent tax sale following the second anniversary of the date on which the taxes have become due. In the case of real property including a structure the local building official has condemned, the locality may sell the property after the first anniversary of the date on which the taxes have become due.	§ 58.1-3965	Localities	✓	✓		✓
Tax delinquent properties	The circuit court may transfer the title of a tax delinquent property to a locality when the property is assessed at ≤\$50,000, it has delinquent taxes or a nuisance abatement lien, and the taxes, liens and penalties exceed fifty percent of the assessed value of the property.	§ 58.1-3970.1					✓

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Vacant Property Registration							
Vacant property	A city may adopt an ordinance requiring the registration of any building that is vacant for more than 12 months. The city can levy a registration fee of up to \$25. The law permits the imposition of a \$50 (\$250 in conservation or blighted areas) penalty for non-compliance.	§ 15.2-1127	Any city; specified areas of Pulaski	✓		✓	
Spot Blight							
Individual blighted properties	A local redevelopment and housing authority or locality may acquire or repair blighted properties anywhere within the locality. The locality must give the owner of notice and an opportunity to prepare a plan to correct the blight. If the owner fails to prepare an adequate plan, the local planning commission holds a public hearing on the condition of the property. It then reports its findings and recommendations to the local governing body. The locality can then proceed to repair or acquire the blighted property. The locality can bill the owner of the property for the costs of any repair or the disposal of the property. A locality cannot use this section to acquire occupied residential property unless it is unfit for human habitation.	§ 36-49.1:1	Localities; housing and redevelopment authorities	✓	✓		✓

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Blighted individual residential properties	The authority may acquire a blighted single- or multi-family dwelling by purchase or eminent domain. The authority must give the owner written notice and 60 days to correct the blight or prepare a satisfactory remediation plan. If the owner fails to correct the blight or prepare an adequate plan, the authority may request the local governing body to adopt a resolution authorizing it to acquire the property on its behalf. While less cumbersome than the spot blight procedure authorized by § 36-49.1:1 and omits the prohibition on the acquisition of occupied properties, this procedure is only applicable to residential properties within the authority's area of operation.	§ 36-19.5	Housing and redevelopment authorities	✓			
Redevelopment and Housing Authorities							
Comprehensive redevelopment of blighted areas; blight prevention in conservation areas	Local housing and redevelopment authorities may, in addition to operations associated with federal housing programs, establish redevelopment areas and conservation areas that address existing or incipient blighting conditions. However, recent changes in the eminent domain statutes may limit the ability of authorities to undertake comprehensive redevelopment. Authorities will no longer be able to acquire individual non-blighted properties within a redevelopment area through condemnation. Spot blight authority remains available to address individual properties.	§§ 36-1 — 36-55	Localities enabled to create authorities				
Derelict Structures							
Removal or Rehabilitation of Derelict Structures Fund	This currently unfunded state-administered program provided grants to local governments for the acquisition, removal, rehabilitation, repair, or demolition of derelict structures as defined in § 36-152.	§§ 36-152 – 36-156	Localities				

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USBC Part III-Virginia Maintenance Code							
Application of building code requirements to existing structures	The Uniform Statewide Building Code (USBC) includes regulations for the maintenance of existing structures, which are enforced at the option of the local governments. This includes provisions for the operation of a rental inspection program and provisions for securing buildings determined to be “unsafe structures.”	§§ 36-103, 36-105.1:1; [13VAC5-63-450 et seq.]	Any local government electing to enforce the provisions of Part III	✓		✓	

Key Definitions Related to Blight, Blighted Property, Blighted Areas, Derelict Structures, and Nuisances

Terminology	Definition	Statutory Source
<i>Blighted Area</i>	For the purposes of the redevelopment statute, "Blighted area" means any area that endangers the public health, safety or welfare; or any area that is detrimental to the public health, safety, or welfare because commercial, industrial, or residential structures or improvements are dilapidated, or deteriorated or because such structures or improvements violate minimum health and safety standards. This definition includes, without limitation, areas previously designated as blighted areas pursuant to the provisions of Chapter 1 (§ 36-1 et seq.) of this title.	§ 36-3
<i>Blighted Property</i>	<i>The Code of Virginia now limits the use of eminent domain in connection with the elimination of blight to property that is itself blighted, using the following definition of "blighted property":</i> "Blighted property" means any property that endangers the public health or safety in its condition at the time of the filing of the petition for condemnation and is (i) a public nuisance or (ii) an individual commercial, industrial, or residential structure or improvement that is beyond repair or unfit for human occupancy or use.	§ 1-219.1
<i>Blighted Property</i>	The redevelopment statute uses a broader definition of blighted property than does the more recent eminent domain statute. "Blighted property" means any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of "spot blight."	§ 36-3
<i>Blighted Structure</i>	This term is used in one section of the Code, which is limited in its application to the City of Richmond. A "blighted structure" means a structure as defined in § 36-49 [amended in 2006 to eliminate the reference, see § 36-3 instead].	§ 15.2-958.1
<i>Derelict Structure</i>	"Derelict structures" means residential, commercial or industrial structures which are no longer being used for a place of habitation, business or industry and which are in such poor condition as to cause a blight upon the neighborhood in which any such structure is located.	§ 36-152
<i>Drug Blight</i>	"Drug blight" means a condition existing on real property which tends to endanger the public health or safety of residents of a locality and is caused by the regular presence on the property of persons under the influence of controlled substances or the regular use of the property for the purpose of illegally possessing, manufacturing or distributing controlled substances.	§ 15.2-907

Terminology	Definition	Statutory Source
<i>Nuisance</i>	The term "nuisance" includes, but is not limited to, dangerous or unhealthy substances which have escaped, spilled, been released or which have been allowed to accumulate in or on any place and all unsafe, dangerous, or unsanitary public or private buildings, walls, or structures which constitute a menace to the health and safety of the occupants thereof or the public.	§ 15.2-900
<i>Spot Blight</i>	"Spot blight" means a structure or improvement that is a blighted property as defined in this section.	§ 36-3